

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:

Chapter 11

MISSION BAY SKI & BIKE, INC.,

Case No. 07-20870

Debtor.

Hon. A. Benjamin Goldgar

RICHARD M. FOGEL, as trustee of the  
bankruptcy estate of Mission Bay Ski &  
Bike, Inc.

Plaintiff,

v.

WILLIAM W. LINNEMANN,  
VALERIE J. GERVAIS, and FIRST  
AMERICAN BANK, an Illinois banking  
corporation

Defendants.

Adversary No. 08-55

Hearing Date: **June 15, 2009**

Hearing Time: **9:30 a.m.**

**ORDER GRANTING TRUSTEE'S MOTION TO  
STRIKE AFFIRMATIVE DEFENSES AND JURY DEMAND**

Upon consideration of the motion ("Motion")<sup>1</sup>, pursuant to Fed. R. Civ. P. 12(f), made applicable by Fed. R. Bankr. P. 7012, of Richard M. Fogel, not personally, but as Trustee ("Trustee") of the bankruptcy estate of Mission Bay Ski & Bike, Inc. ("Debtor"), requesting the entry of an order striking certain affirmative defenses and jury demand of First American Bank ("FAB"); due and proper notice of the Motion having been provided; and it appearing that there is good cause to grant the relief requested;

**IT IS HEREBY ORDERED**

1. Affirmative Defenses One, Two, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven and Twelve are stricken.
2. FAB's jury demand is stricken.

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<sup>1</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion.

**ENTER:**

Dated: \_\_\_\_\_